

any reasoning or evidence to support the conclusion that the listed species are “patentably distinct” as that term is used in the MPEP to support a proper Restriction/Election.

As noted above, Applicant has made the necessary elections so that the examination of this case can proceed. The Examiner is reminded, however, that Breton only discusses the use of “S-DHEA,” a sulfate material. Amended Claim 12 and claims dependent thereon thus cannot be suggested by this reference because DHEA sulfate has been removed from independent Claim 12. Breton is quite specific, and does not suggest the use of any other DHEA material, and thus Claim 12 and claims dependent thereon are free of rejection.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Richard L. Treanor
Attorney of Record
Registration No.: 36,379



Telephone: (703) 413-3000
Facsimile (703) 413-2220